REMARKS

Oath/Declaration

A copy of the Oath which has already been submitted is enclosed. This document shows the full name of each inventor and the Examiner's comments are therefore not understood. The Examiner is respectfully requested to clarify this objection, if an objection remains.

Drawings

Replacement drawings are submitted herewith to deal with the drawings objection.

Specification

A replacement abstract is set forth above and amendments have been made to deal with the comments in relation to trade mark usage and the incorporation of subject matter by reference to other US patents and applications.

Claim rejections under 35 USC § 112

Claim 1 has been amended to recite a step of "specifying a bandwidth and guaranteed quality of service to be provided over the path" thereby providing proper antecedent basis for the limitation "specified bandwidth" in claim 12.

Similar amendments have been made to claim 17 to provide antecedent basis for claim 24.

Claim 6 has been amended to recite only the "shortest path first" algorithm.

Claim rejections under 35 USC § 102

All independent claims are rejected as being anticipated by Dravida. Reconsideration is requested.

Dravida discloses an algorithm for execution on the nodes of a network to cause control actions to be "taken in a completely distributed manner, based on local measurements only" (see the abstract, the description for Figure 28, column 4 lines 58-64, column 8 lines 31-34 and lines 46-50, column 9 lines 9-10).

The object of Dravida is to provide a routing algorithm which requires each node only to communicate with its immediate neighbors in order to provide a congestion control scheme for connectionless traffic in data networks.

Accordingly, Dravida does not disclose a model of the network which is separate from the network, it does not produce paths having a specified bandwidth or a guaranteed quality of service, it does not assess "the amount of available bandwidth over said path using said model" (because there is no model in terms of the invention as presently claimed) and it does not produced "provisioning information to provision said path using said model for output to the network or a network simulator" (again because there is no model in the terms of the invention as presently claimed) and Dravida teaches against outputting provisioning information since the object is to avoid communicating signalling messages between nodes (and indeed the congestion algorithm is run on the nodes of the network itself and the provisioning information is therefore already held within the network in the disclosure of Dravida).

Thus, most of the features of claim 1 are not disclosed in Dravida and accordingly the anticipation rejection based on Dravida is respectfully rejected.

For equivalent reasons, the rejection of independent claims 17 and 26 is also respectfully traversed.

The dependent claims are not anticipated at least by virtue of their dependency.

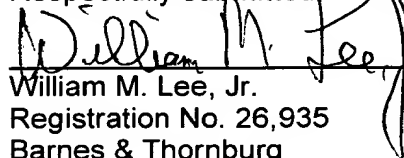## Claim rejections under 35 USC § 103

Claims 11, 18, 19 and 23 are rejected as being unpatentable over Dravida in view of Hunt *et al* and claims 12 and 24 are rejected as being unpatentable over Dravida in view of Kapoor.

10

These rejections are respectfully traversed since the combination raised by the Examiner omits many of the features of these claims for the reasons set out above in connection with the anticipation rejection.

Given the above and that attached, it is submitted that this application is now in condition for allowance, and such action is solicited.

July 2, 2003

Respectfully submitted

William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)